



06-25-2004

6.7704

Form PTO-1594  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)

RECORD  
PATENT & TRADEMARKS



DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌ ▼ ▼

102777216

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Davita Inc.

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation-State (Delaware)  
☐ Other

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: April 20, 2004

## 2. Name and address of receiving party(ies)

Name: Open Access Vascular Access Center, Inc.

Internal

Address: \_\_\_\_\_

Street Address: 16400 N.W., 2nd Avenue, Suite 101City: N. Miami Beach State: FL Zip: 33169

- ☐ Individual(s) citizenship  
☐ Association  
☐ General Partnership  
☐ Limited Partnership  
☒ Corporation-State Florida  
☐ Other

If assignee is not domiciled in the United States, a domestic  
representative designation is attached: ☐ Yes ☒ No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2195287; 2195371Additional number(s) attached ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Susan Neuberger WellerInternal Address: Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.Street Address: 12010 Sunset Hills Road,  
Suite 900City: Reston State: VA Zip: 20190

## 6. Total number of applications and registrations involved: \_\_\_\_\_

27. Total fee (37 CFR 3.41).....\$65.00

- ☒ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number:

50-0311

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true  
copy of the original document.

Susan Neuberger Weller

Name of Person Signing

Susan Neuberger Weller  
SignatureJune 22, 2004

Date

Total number of pages including cover sheet, attachments, and document: 3

06/24/2004 LNWELLER 00000094 500311

2195287

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

01 FC:8521  
02 FC:8522

40.00 DA  
25.00 DA

TRADEMARK  
REEL: 002997 FRAME: 0991

## TRADEMARK ASSIGNMENT

This Assignment is made this 20th day of April, 2004, by and between DaVita Inc., a Delaware corporation, whose primary business address is 601 Hawaii Avenue, El Segundo, California, 90245, ("Assignor") and Open Access Vascular Access Center, Inc. a Florida Corporation, whose primary business address is 16400 N.W. 2<sup>nd</sup> Avenue, Suite 101, N. Miami Beach, FL, 33169, ("Assignee").

WHEREAS, Assignor, has adopted and used in commerce the trademarks which are registered in the U.S. Patent and Trademark Office, Registration No. 2,195,287, registered October 13, 1998, for the mark OPEN ACCESS, and Registration No. 2,195,371, registered October 13, 1998, for the mark OPEN ACCESS (& Design) (collectively "Marks"); and

WHEREAS, Assignor did obtain a letter from the U.S. Patent and Trademark Office of the United States for the Marks and has adopted and used the Marks in commerce; and

WHEREAS, Assignor has the power and authority to assign the Marks and has committed to assign the Marks pursuant to a Severance Agreement entered into by and between Assignor and Sanford Altman, M.D. on March 14, 2000; and

WHEREAS, Assignee desires to acquire the Marks and the goodwill related thereto; and

WHEREAS, Assignee desires to acquire the entire interest of the Assignor in the Marks and the registration thereof; and

NOW, THEREFORE, for good and valuable consideration the sufficiency of which is hereby acknowledged, Assignor and Assignee agree as follows:

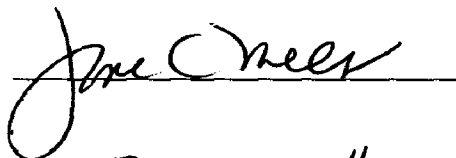
1. Assignor hereby assigns to Assignee all rights, titles, and interests in the Marks together with the goodwill symbolized by the Marks, as well as the right to sue for and collect damages for past and future infringements effective as of March 14, 2000 ("Effective Date"); and

2. Assignee assumes any and all liabilities associated with the Marks as of the Effective Date and shall indemnify Assignor, its officers, directors, employees and affiliates related to its use from and after the Effective Date. Assignor represents and warrants that it has no actual knowledge of any claims, charges or other liabilities that are outstanding as of March 31, 2004 related to the period after the Effective Date. Assignor shall indemnify Assignee, its officers, directors, employees and affiliates, against any and all liabilities, claims or causes of action related to Assignor's use of the Marks prior to the Effective Date.

3. The Commissioner of Patents and Trademarks is requested to issue the certificate of registration to the Assignee.

DAVITA INC.

By:



Name:

Joseph C Mello

Title:

Coo

Dated: April 20, 2004

